

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RICKY PATU,

Plaintiff,

v.

PIERCE COUNTY JAIL STAFF,

Defendant.

CASE NO. C16-5196BHS-JRC

ORDER DENYING AS MOOT  
REPORT AND  
RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 22), and Plaintiff Ricky Patu’s (“Patu”) motion to voluntarily dismiss (Dkt. 23).

On October 24, 2016, Judge Creatura issued the R&R recommending that the Court grant Defendant’s motion to dismiss because Patu’s previous complaint, based on the exact same issue, has been dismissed with prejudice. Dkt. 22. On November 7, 2016, Patu filed a motion to voluntarily dismiss his complaint stating that he would like to withdraw his complaint or receive a settlement for one hundred million dollars. Dkt. 23.

The Court having considered the R&R, Patu’s motion, and the remaining record, does hereby find and order as follows:

- (1) Patu's motion is **GRANTED** because Defendant has not filed an answer or motion for summary judgment, Fed. R. Civ. P. 41(a)(1)(A)(i);
- (2) Patu's claims are **DISMISSED with prejudice** because they are identical to earlier claims that have been dismissed with prejudice;
- (3) The R&R is **DENIED as moot**;
- (4) Patu's *in forma pauperis* status is **REVOKED**; and
- (5) The Clerk shall close this case.

Dated this 16th day of November, 2016.



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BENJAMIN H. SETTLE  
United States District Judge